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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,193	08/27/2001	Mark Harmon	10012513-1	4918

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**HEWLETT-PACKARD COMPANY**  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

[REDACTED] EXAMINER

VO, TED T

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2191

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/940,193	HARMON, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ted T. Vo	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 12-18, 20 is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. In view of the second Appeal Brief filed on 12/30/2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

The indication of claim 9 as being allowable will be withdrawn in this action because the limitation in the claim is not a patentable feature.

Claims 12-18, 20 remain allowed.

Claims 1-11 will be rejected as new ground in this action.

Claims 1-18, 20 are pending in the application.

***Response to Arguments***

2. The new ground of rejection presents in this action. The action is non-final. Applicants' arguments appeared in the second brief has been considered, however, from the start of the amendment, Applicants have failed to address the novelty of the claims, particularly in comparison to the prior art in accordance to 1.111(c) and/or MPEP 714.04.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claim 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Garms et al., "Windows NT™ Server 4", SAMS Publishing, Chapter 19, pages 567-597, 1998.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: SIU discloses,

*A user interface tool comprising:*

*a software object creation process (P. 27-28, see sec. 4.1.10 and sec. 4.1.11, show a software object creation process, used to create a collector 'a software object ') providing guidance to a user with respect to creation of a software object by said software object creation process (See the figure in sec. 4.1.11, and texts shown in sec 4.1.11 and sec 4.1.12; and further see sec. 5.2 in p.34); and*

*an information communication link to a software object editor (P. 29-30, see descriptions under sec. 4.2, particularly see the Figure in p. 30) , said link providing information with respect to said software object created by said software object creation process to facilitate operation of said software object editor with respect to said software object (See all nodes, elements inside the Figure shown in p. 30; for example, "netflow\_collector" has means of a software object that is created by said software object creation process as shown by sections, 4.1.10, 4.1.11, and 4.1.12. Clearly, the shown Figure has means of an editor).*

As per Claim 2: SIU discloses,

*The user interface tool of claim 1 wherein said software object creation process comprises a software wizard (Sections, 4.1.10, 4.1.11, and 4.1.12 comprises a wizard).*

As per Claim 3: SIU discloses, *The user interface tool of claim 1 wherein said software object comprises a data collector (See the Figure in p. 30, For example, a highlight within Encapsulator of "netflow\_collector" under Customized button).*

As per Claim 4: SIU discloses,

*The user interface tool of claim 1 wherein said software object comprises a plurality of selectable attributes for which said software object creation process facilitates selection of by said user (See the*

Figure in p. 30, For example, within Encapsulator, selectable attributes within the right section of the figure).

As per Claim 5: SIU discloses,

*The user interface tool of claim 4 wherein said selectable attributes are configurable by said software object editor* (Figure in p. 30 shows attributes under Encapsulator are configurable by its figure. For example, the text within p. 30, “You choose which part of the SIU configuration you want...”, and further see sec. 5.3 in p. 35)

As per Claim 6: SIU discloses,

*The user interface tool of claim 5 wherein said selectable attributes must be configured by said software object editor prior to proper operation of said software object* (See Text in p. 30 within section 4.2 prior running collectors as shown in sec. 5.4, p. 36).

As per Claim 7: SIU discloses, *The user interface tool of claim 1 further comprising: a software object configuration option process providing said user with information with respect to configuration of said software object* (The whole face shown in the Figure in p. 30 and see “You choose which part..., in the second paragraph in p. 30).

As per Claim 8: SIU discloses, *The user interface tool of claim 7 wherein said software object configuration option provides selectable activation of said information communication link* (every configuration requires the user using “clicking”, it has means of *selectable activation of said information communication link*).

As per Claim 9: SIU discloses, *The user interface tool of claim 8 wherein said software object configuration option process further provides selectable repeating of said software object creation process* (The Figure in p. 28 represents start generating a collector as shown in the editor of p. 30; this Figure in p. 28 comprises a start Over button that *provides selectable repeating of said software object creation process*).

As per Claim 10: SIU discloses, *The user interface tool of claim 1 wherein said information communication link is established after substantial completion of said software object creation process*

(The Figure in p. 28 represents the information communication link in the figure in p. 30 is established after substantial completion of the collector creation provided by the editor of p. 30).

As per Claim 11: SIU discloses, *The user interface tool of claim 1 wherein said information communication link is established in proximity to selection of a software object attribute for which said software object editor provides configuration editing* (The Figure in p. 28 represents the information communication link in the figure in p. 30 is established in proximity to selection of a object attribute for which said software object editor provides configuration editing as of the Figure in p. 30).

***Allowable Subject Matter***

5. Claims 12-18, 20 remain allowed.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo  
Primary Examiner  
Art Unit 2191  
March 17, 2006